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Press Release

NEW LOBSTER RULES EFFECTIVE JULY 1, 2002

**MINIMUM SIZE INCREASED IN AREAS 2, 3 & OUTER CAPE COD
"V-NOTCHING" OF FEMALES BECOMES MANDATORY IN AREA 1**

Effective July 1, 2002 new Massachusetts commercial lobster regulations will be in effect that will bring the state into compliance with certain interstate management plan deadlines. These actions are expected to satisfy the Atlantic States Marine Fisheries Commission that recently found the Commonwealth out of compliance. The state's fishery could have been sanctioned if these actions were not taken.

The amendments to 322 CMR 6.01 (Lobster Maximum and Minimum Sizes) enacted two individual increases of 1/32" each as follows:

- Effective July 1, 2002, it is unlawful for any commercial fisherman fishing in Area 2, Outer Cape Cod, or Area 3 as defined in 322 CMR 6.33 or authorized to fish in those areas, to possess a lobster with a carapace length smaller than 3 9/32 inches.
- Effective December 31, 2002, it is unlawful for any commercial fisherman fishing in Area 2, Outer Cape Cod, or Area 3 as defined in 322 CMR 6.33 or authorized to fish in those areas, to possess a lobster with a carapace length smaller than 3 5/16 inches.

The amendment to 322 CMR 6.02 (Taking of Lobsters in the Coastal Waters of the Commonwealth) amends v-notch rules as follows:

- Commercial fishermen fishing in Area 1 as defined in 322 CMR 6.33 or authorized to fish in Area 1, shall carve a "v-shaped notch" as described in 322 CMR 6.02(3)(a) into the right middle flipper of all egg bearing female lobsters. *(For enforcement purposes, a v-shaped notch means a straight-sided triangular cut without setal hairs at least 1/4" in depth and tapering to a sharp point.)*

The Marine Fisheries Commission approved these rule changes at the June 6 business meeting after careful consideration of the various area-based lobster plans that comprise Amendment #3 of the plan. Director Diodati and the Commission had delayed action on these measures back in April. At the time Diodati had hoped to reconcile the differences among the various area-based plans and adopt statewide measures where possible. However, many industry

leaders from Massachusetts and Maine who fish in Area 1 opposed a minimum size increase in Area 1 that would have allowed Massachusetts to adopt a uniform minimum size.

Diodati continued to express concern about the industry-crafted and supported Area 1 plan. The stakes are high because Area 1 (Gulf of Maine) is the most productive lobstering area in the U.S. fishery. Diodati was concerned that the plan was difficult to monitor, would cause enforcement problems within the state due to disparate minimum sizes among areas, and would likely fail its conservation goals without controls on fishing effort.

To satisfy the mandated increased egg production, the Area 1 plan relies on mandatory "v-notching" by fishermen of all egg-bearing females encountered while fishing - a rule that has been voluntary in the past and is difficult to monitor for compliance. DMF is also concerned about the enforcement and compliance challenges caused by having disparate minimum sizes in Massachusetts, especially on opposite sides of Cape Cod. Massachusetts maintained the existing definition statewide for "v-notched lobster" and did not adopt a "zero tolerance" rule for Area 1, where any v-shaped mark on the right middle flipper would have made the lobster illegal. DMF felt that the "zero tolerance" rule would result in arbitrary enforcement standards and declining compliance over time.

Despite these criticisms of the disparate plans, Diodati recommended adoption of the Area 1 plan's v-notching mandate and minimum size increases in the other three management areas. Despite his lack of confidence in the Area 1 plan, he felt that the Commonwealth was best served by adopting the key features of the plan - at this time - while the ASMFC Lobster Management Board monitors the plans. Although most of the Massachusetts landings are produced in Area 1 they are just a small percentage of the overall Area 1 fishery, making it difficult to affect the overall management scheme for this area. If the Area 1 plan or any other plan falls short of the targets, the Board would be mandated to devise substitute plans that satisfy the conservation goals.

Finally, DMF did not approve the industry-crafted effort reduction program for the Outer Cape Cod Area. Instead, DMF will work with industry representatives and other Lobster Board members to devise an alternative effort control plan that could be adopted for the entire state, and more likely throughout the region. This plan will aired at fall 2002 public hearings.

For more information please contact *Marine Fisheries* at 617.626.1520.